612 /39 cont./ living is more comfortable. The tendency toward
556 joining the Kapala group can be demonstrated. Integration is stronger there.

612 To be affiliated with a large related group seems to offer only advantages. There is, however, another phenomenon which suggests the opposite. /40/ Members of the Kapala
[166] group appear to move away repeatedly. This fact cannot be discussed, however, until the relationship of the related group to the land has first been described.

The Relationship to the Land

612 The relationship of the related group to the land was
423 characterized as that of a group whose members live together in the same territory and work the land. This characterization will now be elaborated upon. The majority of kampong residents do seem to have land in the kampong where they reside, but a number of them in addition have land in other kampongs.

Some figures will be presented at this point to illustrate the relationship of people to land. The average landownership of Bontoramba residents within their territory amounts to 23 ares of sawah land and 56 ares of dry land per house. In addition to land in Bontoramba, some Bontoramba residents also own land in other kampongs. If one adds these figures to the first, then it appears that the average landownership per house in Bontoramba amounts to 54 ares of sawah land and 69 ares
[162] of dry land. The average number of persons per house is 6.04 (1).

1. Figures concerning land date from 1949. The average number of residents per house that year amounted to 6.04 as against 6.1 in 1948.

423 612 556 /40 cont./ Some variations should be introduced into these figures. Broken down by the Kapala, Mangenre, and Rest groups they are:

Kapala group:	77 ares sawah land
	88 ares dry land
Mangenre group:	6 ares sawah land
	66 ares dry land
Rest group:	23 ares sawah land
	22 ares dry land

These figures thus indicate the average per house for these three groups, which consist of 81, 19, and 33 houses respectively (2).

[171]

2. In the Indish Verslag /(Dutch East) Indies Report/ of 1941, Part 2, p. 264, the average area of arable land of the native population for Java and Madura (in 1940) is given as: 0.072 hectare of sawah land and 0.096 hectare of dry land per capita. This is a little less than was found in Bontoramba (0.088 hectare of sawah land and 0.113 hectare of dry land per capita).

/41/ The noticeably low figure for the sawah land in the Mangenre group is not directly explainable. We shall return to this point below.

[592] Not all houses have landowners. In the Kapala group, landowners live in 73 of the 81 houses; in the Mangenre group, in 7 of the 19 houses; and in the Rest group they live in 14 of the 33 houses.

The members of the Kapala group are thus clearly rich in land compared with those of the two other groups. Among

423 556 612 /41 cont./ them landownership is also more regularly distributed over the various houses.

It appeared that the few houses of the Kapala group without landowners were homes of younger people who worked the lands of their parents or an older brother and who received a part of the harvested crop in exchange for this. The Mangenre group and the Rest group include warong owners /shop-keepers/, the bicycle repairman, merchants, and "porters." The last named are men who transport goods for another person to a distant pasar and who receive their wages partly in money and partly in goods. Several of them do not own any land. [482 465]

Those who own land outside Bontoramba live scattered over 57 of the total of 133 houses (1); 53 of these 57 are

> 1. In 54 houses there are people who own only sawah land elsewhere, in 14 those who own only dry land elsewhere. In 11 houses, therefore, there are people who own both sawahs as well as dry land.

occupied by members of the Kapala group, 4 by those of the Rest. According to these figures people of the Mangenre group do not seem to have land anywhere outside Bontoramba. It may well be that these figures are incorrect, probably too low, especially as regards the Mangenre group. The land-tax administration registered the names of landowners in each kampong, and it would thus be necessary to go through all the land-tax registers of South Celebes (there are a few thousand of them) in order to state with certainty that no other land than that reported are held by Bontoramba residents. And it is just among the individuals of the Mangenre group that one might expect to find that they have more land in their homeland of Pangkadjene (2).

●423 556 612

/41 cont./ 2. This suggestion is based both upon the figures following below for kampong Pakatto, the homeland of the Kapala group, as well as upon the impression obtained in the colonists' kampongs.

423 471

/42/ I limited my investigation to the registers of the remaining kampongs of the adat community of Borongloe. In only 7 of these 13 were names of Bontoramba residents encountered by me. The distribution was as follows:

	Sawah Land	Dry Land	Number of Sawah-land Owners	Number of Dry-land Owners
Pagentungang.	1, 432 ares	--	48	--
Songkolo . . .	280 ares	354 ares	4	5
Buttadidi . . .	684 ares	37 ares	23	3
Borong	308 ares	904 ares	6	8
Tjambaja. . .	1, 428 ares	798 ares	21	5
Pakatto. . . .	514 ares		4	
Parang Banua.	54 ares		2	(1)

1. In Indonesian landholding statistics land held in mortgage or as security was always included.

A glance at the map shows that the first three kampongs border on Bontoramba, and that the fourth is situated very close to it. Kampong Pakatto was already mentioned as the one from which many of the present-day Bontoramba residents are derived;

423 /42 cont./ some of them still appear to have land there, obtained through inheritance. The great number of landholdings in Tjambaja is connected with good reclamation opportunities there.

The people from Bontoramba own no land in 6 of the 14 kampongs of Borongloë. Their ownership is concentrated in their immediate vicinity, with the exception of Pakatto and Tjambaja. Territorial-administrative kampong boundaries, therefore, do not seem to affect the relationship of kin groups to land. The distance from the house to the land does seem to be of importance. There is reason to assume that the number of Bontoramba residents owning land outside their adat community as well as inside it (with the exception of people from the Mangenre group) is inconsiderable.

In addition to the Bontoramba residents who have land outside Bontoramba, there are a number of persons residing outside Bontoramba who own /43/ land within the territory of Bontoramba. There were 90 such people. Of these, 68 lived in one of the 13 other kampongs of Borongloë. They owned, together, 1, 522 ares of sawah land and 1, 758 ares of dry land. In the adjoining kampongs of Buttadidi, Pagentungang, Songkolo, and Borong, there lived respectively 27, 8, 11, and 7 of these landowners. In addition, there are 3 more landowners who live in the kampongs of Pakatto, Parang Banua, Bontoa, and Borongkaluku, while in Kotjikang there are 2, and in Tjambaja 1. There does not appear to exist any special interest in Bontoramba territory on the part of Pakatto or Tjambaja residents; this was different the other way around.

The remaining 22 landowners, of whom 2 lived outside Goa and 20 within Goa but outside Borongloë, owned 645 ares of sawah land and 498 ares of dry land (1). Here it is only

1. Among these 22, there were 13 sawah owners and 10 dry-land owners. One man owned dry land in Bontoramba as well as a sawah.

423 /43 cont./ noteworthy that of these 20 landowners, 12 lived in
471 kampong Romangpolong situated very close to Bontoramba, where the Kapala of Bontoramba has a large number of kinsmen.

471 The following figures indicate how the sawah land is
556 distributed over the various houses.

612 The inhabitants of 25 out of the total of 133 houses own more than 1 hectare of sawah land. Twenty-one of these are houses belonging to the Kapala group, and 4 belong to the Rest. The inhabitants of 8 of these 25 houses own more than 2 hectares, and of these, 7 belong to the Kapala group, 1 to the Rest. Only one man has more than 3 hectares; in fact, he owns 7.5 hectares of sawah land. He owes this to his own abilities.

The relationship of individuals to their land, as is apparent from these figures, may therefore be stated quite simply. The administrative kampong boundaries (2) do not appear to be

[622]

2. The kapala collects the taxes on all land located in his kampong territory. He takes care that all men who live there and are able to perform work carry out their services. He reports offences committed in his district, etc.

relevant to the location of land which belongs to kampong residents. Landownership is not restricted by kampong territory.

311 The distance from the living quarters to the fields is,
423 generally speaking, small. The land of the majority of people is located in their own kampong and in one of the kampongs adjoining it. Those who owned land in Tjambaja also had land in Bontoramba itself. This shows that people do not purchase or work /44/ land at a greater distance away until they already own some in their immediate vicinity. The exchange of land
437 between people having land in each other's kampong of residence,
425 with the intention that both will have a piece of land close by, instead of one far removed from their house, occurs regularly.

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/58 cont./ With a few exceptions these colonists owned no land in Buginese country (3). They worked fields that

3. The group in Paria was primarily making a living from a number of fishponds situated along the seacoast. They had found these in a deplorable state but had restored them completely. They lived on the ponds where they bred and marketed fish under very favorable conditions at the time of the study.

belonged to large landowners, who here are both members of the nobility as well as merchants who have become wealthy during the last 10 to 15 years. Since 1939 the leadership of the Sadang irrigation project has been turning extensive /59/ dry-land regions into potentially fertile sawah areas. The shortage of manpower, however, is extreme. As long as this continues, the colonists can demand very good working conditions. Their bargaining position is strong. For example, one group demanded of a certain large landowner that he let no others cut rice in his sawahs.

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There is little expression of a need for securing a more solid economic position by buying land in the new region of residence. Some even considered a sawah at such a distance from the homeland an unsafe possession. Several colonists seemed to have redeemed sawahs which they had earlier mortgaged in their homeland with money they earned in Buginese country, and even to have given mortgages on new sawahs there. At this point, therefore, the tie with the homeland seemed to be very strong.

1:Chabot--334 E-5 (1940-1949) 1950 OG6 Makassar OG6

/250 cont./
Divorce Registers

114 217 586 The divorce registers are kept by the Kali of Goa for a part of the province of Goa that comprises several adat communities. /251/ This is an administrative problem which is regulated differently according to locality. During the Japanese occupation, when it was considered unsafe to travel, the Imam of Borongloë temporarily was also authorized to register divorces.

The maintenance of these four types of personal registers was poor. Registers of a few years back were in such a deplorable state that it was no longer fruitful to consult them. Before these registers can develop into a Registrar's Office, a good many improvements will first have to be made.

Land-tax Registers

114 217 651 423 In the land-tax registers each plot of land whose boundaries are very precisely indicated is to be found with the name of the person who pays the tax on it. This may be the Indonesian owner. A woman's plots are regularly recorded in the name of her husband or, if she is unmarried, in the name of her oldest brother. Younger brother's plots are frequently entered in the name of the oldest.

Registration of land is done by kampong territory. It is possible to calculate the average landownership per head and per house. It is impossible to say how many are "large landowners" -- assuming that one would want to consider someone who possesses more than five hectares as such, for instance, for by entering a part of his land in the name of his wife or children, the total ownership of one man can no longer be traced through these land registers.

The land-tax service places the taxpayer and the Indonesian owner practically on a par. Jurisprudence, however, does not simply connect with Indonesian property rights the fact that someone is entered in the land-tax registers.

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/251 cont./ The land-tax registers make a distinction between lands in Indonesian possession and lands that have been taken in pawn. In a calculation of the averages of the sawah areas, these two types of land must be added together. The land-tax registers are in excellent condition.

The Indonesian Notary

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The so-called Inland Notary, kept in the adat community office, which before the war began to assume an increasingly important task, was still not up to prewar /252/ standards in mid-1949. In 1940, 318 transactions were registered in Borongloë, in 1946 and 1947, 36 and 56 respectively.

The purpose of this institution is to further legal certainty. Parties which enter into a transaction, can report this to the head concerned, and the latter is then obligated to enter this transaction in the register, and at the same time to give to both parties a summary of what was recorded by him.

In the columns are recorded in order: name and place of residence of the purchaser; name and place of residence of the seller; a description of the article; then its boundaries are indicated if it is land, and its characteristics if it concerns a buffalo; the sum that is paid or -- in case of an exchange -- the article with a similar description; and finally, the further agreements that are made subsequent to this transfer.

The adat community head makes an entry of the transaction if the local well-informed head of the kampong where the land is situated or from which the buffalo comes tells him that he has heard no objections against the transaction. The institution was popular because the native courts of law especially attached much value to the summaries produced by purchasers or pawnees at their sessions.

The personal care and interest for this institution on the part of the local heads varies greatly, and it is upon this that the number of transactions recorded appears to be directly

Tanimbar OF19
Ambon OH4
Punan OC10
Kubu OD8
Toradja OG11
Makassar OG6
Kei OH13
Aru OH5

[361 cont.]

Tr 423 425 native right of possession over land.

"In recent times both points are beginning to change. For the Poso, the Government, in keeping with Indonesian custom, has granted the right to gather products on the boundaries of the newly formed districts and to demand recognition-payments from strangers, thus paving the way for a right of disposal. Since 1907, by encouraging the cultivation of sawahs, the Government has [362] also created a right of possession over wet fields" (1).

1. Ibid., p. 364.

M 423 425 A peculiarity of the land rights on southern Celebes is that while the right of disposal vested in the ornamentship (see p. 109) is dying out, the native right of possession is bound up with the payment of the kasoewijang, the obligatory delivery of products from the land cultivated to the chiefs of the ornamentship. The ornamentfields, the domains of the chiefs of the ornamentship, need not be cultivated by the population.

Tn Ar Ki 423 [624 796] On page 88 we spoke of the special position of the toean tanah, the head of a core family on the Kei Islands, with regard to land tenure. The same kind of functionary is found on the Aru Islands and the Tanimbar or Southeastern Islands. On Timor and the surrounding islands, too, there is a dignitary, a descendant of the first founder of a settlement, who sometimes plays a role in agrarian matters, elsewhere at religious ceremonies, and sometimes stands above the clan chief or native prince, at least in some matters.

Am 423 311 624 The village forester (kapala kéwang) of the Ambon Islands has already been mentioned on page 234; land can be cleared only after he and the village chief have been notified.

I 222 Pu Mb 222 After this short outline of native land rights, we shall continue with a description of what the Indonesians take from their land and begin with the

a. gathering of forest products. Only a few tribes in the archipelago live exclusively by collecting forest products. They

MK [374 cont.]
642 in arriere fee, and Tanette with Lipoekasi in arriere fee.
I 2. Allied states. The basis of our relationship with these states
MK is the peace and alliance treaty concluded in 1667 by Speelman,
[648] known under the name of Buginese contract, which was renewed in 1824 by Van der Capellen. Their sovereigns are allies of the Government and have certain obligations to fulfill, such as the
MK protection of trade, guarding against piracy, assistance in case
[636] of war, etc. They are free in the administration of the internal affairs of their state, but when ascending the throne, they must pay a visit to Makassar to be installed by the Government and to renew the contract.

MK These states can be divided by population into Makassa-
101 rese and Buginese states. The most important Makassarese states are Gowa, and Laïkang; the Buginese states are Barǒe, Soppeng, Adjatapparang, Mandar (at least in part), Loewoé, Wadjó, Tanette, and Boni. A third tribe that inhabits Celebes is the
T 101 To-radja = mountain-dwellers. Among the principal Toradja states are Masinrimpoeloe and Laiwoei in particular.

MK The main features of the government are similar in all
642 the states. The feudal system exists everywhere on southern
423 Celebes. We have encountered this feudal system in the Malay states on Sumatra and Borneo, but not to the extent that it occurs here. In the first place the feudal system also arose here out of the sovereigns' practice of granting part of the land in fee to their children or relatives to provide for their support or to reward faithful servants. These feudal tenants are called paseadjingang = blood relatives, from the [375] word seadjing = brother. Another way that the feudal system arose was through war, when a weaker prince was conquered by a more powerful one. In the latter case the vanquished was allowed to govern his own land, but he was in the same position as the other feudal tenants. This kind of feudal tenant is called palili. The obligations of these feudal
MK tenants to their liege lord are: to assist him in war, to appear
[211] at his court for ceremonial occasions, festivities, etc., and the

[375 cont.]

642 like. The way the liege lord summons his feudal tenants for a
● 423 festivity or war is peculiar. The invitation or summons is made
211 by means of bila-bila. Such a bila-bila is a strip of lontar leaf, in which a certain number of flat knots are tied. There are as many knots as there are days before the war starts or the festivity is to begin. There is a great difference in the way the feudal
576 tenant must take the bila-bila from the hand of the messenger or envoy of the liege lord, depending on whether it is a summons to war or an invitation to a festivity. The bila-bila for a festivity is taken by the royal feudal tenant with his right hand, while with the left hand he makes the motion used in dancing. The bila-bila for a war is accepted with the left hand, while he touches the kris with the right hand, the object being to demonstrate his devotion to the liege lord by dancing or swinging the kris. According to Dr. Matthes, bila-bila is a corruption of bilang-bilang, from bilang = to count, since the number of knots in the lontar leaf serve for calculating the number of days before the festivities or war will begin.

643 Otherwise, the government is organized the same as in
645 the Malay states. At the head stands a sovereign who is assisted by a state administrator and a state council. The general name in Makassarese for sovereign is karaëng, and in Buginese arung or patta (1). This is also the title, however, for a nongoverning

1. Since the type for the Buginese sound ᨅ is not in stock, the Buginese words that have this sound are spelled as above.

[376] prince. A ruling prince is karaëng mágaú (from gaú = deed, affair, and ágaú = to be active, to manage, and in Buginese, aru or patta mangkaú (the same radical gaú = deed, affair, and mágaú = to be active, to manage). The name of the state administrator is different in the various states and so is the composition of the state council. We shall now discuss the

Batak OD5
Javanese OE5
Gorontolo OG4

MinangKabau OD10
MaKassar OG6
Ambon OH4
Buru OH8
Moluccas OH1

[436 cont.]

Mn 423 452 volken v. d. Ind. Archipel," Bijdragen T., L. en Vlk, v. Ned. Ind., 1888.

mortgage is not given for a limited period and thus never reverts to the creditor, but may be redeemed at any time. The amount of the mortgage, as a rule less than the value of the property, is paid all at once. The property then passes into the hands of the lender, who from that moment on has the use of the land as interest for the money advanced by him, whereas the owner or owners cannot claim any rights over the land, as long as the advance has not been paid back. Through this contract, the security, the land, actually becomes the property of the creditor and his assigns temporarily.

Mn [578] MK A Bu MO Bt 423 426 J G 426 Mortgages often lead to disputes, because everything is arranged by verbal agreement and generations may pass before the redemption takes place. This type of mortgaging occurs frequently in the archipelago. [437] It occurs also among the Batak, in the Moluccas, among the Alfoer of Buru, among those of the Ambonese islands, among the Makassarese and Buginese, etc. On Java, in the Sunda lands, it is called ngagade sawah. It is unknown among the Alfoer of the Minahasa.

c. Among the Batak

Bt 423 [631] Land tenure among the Batak is regulated in the same way as among the Alfoer of the Minahasa and on Sumatra's west coast. Here the political unit is the kuria, which became the administrative unit under our administration. The lands here thus belong to the kuria; according to their legal status, they are distinguished as wastelands and cleared lands. The former are communal and the latter individual property. Here, however, we do not find the division into private and family lands, because the inheritance as a rule is divided, and the lands acquired by inheritance are private property just like the

I had many talks at random, especially with Thierens. He 181
is willing to work, but says it is only toward a dim future. The police official (Aru Pontjeng) and his son (Aru Matjege, head of the local government) especially, see that things are not good. Everything is inefficient and childish. I met the former one day, and at once he asked my impression. I dodged his question and he said at least everyone eats here. I said yes, but many were slaves. He was shocked, but saw my point, I will talk with him again. I told Thierens that questions, especially of the kampong folk and even of Andi and the Sulewatang, showed that the people were ripe for economic education. They are puzzled. And they take to such talk. Thierens said that they get scared, and agreed that they go on governmental business trips in order to get away from problems. The truth 423 ●
is, it is too poor a land. Then too, it is feudal. Thierens told 566
me a secret. I had seen private fish ponds belonging to the Arumpone in Palette, near the sea. He told me that near that place entire kampongs are working in the service of the arumpone. It is quite medieval. But perhaps the only way to operate this place is to keep serfs and slaves. At least they eat. 653
But what hope is there for a rise of standards? For example, 434
I asked how they built roads and schools. Andi said heerendienst [literally 'master's service']. I then said that if that were true, how would they pay for the increasing number of teachers. For that they would need money too. I said that they had rice, maize, and men--and that is all. The answer I do not know. As Thierens said, for the past forty years they have 185
grown more and more used to Western administration. Now, 434
they must keep things up to Western standards of speed and efficiency. They have neither, but they do have even grander ideas than the Dutch gave them concerning the future. They try to reach outward to a level of speed approximating that which the Dutch represented, and so forth. Instead they become dizzy. They are desperate. And even with the help of the Dutch (and Pontjeng said right away that they co-operate with the Dutch), how can they pay the Dutch and give them enough security inducement unless they have the money. In all, it is a non-paying daerah, and my guess is that the whole of East Indonesia is a non-paying negara. The only way out seems to be to get Java and Sumatra, and perhaps, in part, Borneo, to pay the bills; or to slip into a peasant economy and drop all ideas of grandeur and of a great and prosperous future with schools, etc.

Tomorrow, August 30, 1949, I am leaving for Makassar. 000

accompanied by a feast. At the same time teeth are filed. 000
They have a name for this feast, something like akatan. Be- 842
tween the ages of ten and fifteen the boys are cut and there 304
is a big feast. At that time their teeth are filed. I asked 881
about the story which states that if no children are forthcom- 574
ing a man will be cut again and again. They agreed that it was so; if there are no children they think that perhaps enough was not cut off, so they cut off some more. (This is a fine case of blood letting for fertility.) They agreed that this operation is not true circumcision, but merely the removal of a piece, rather than the whole prepuce.

Only the upper teeth are filed.

They showed me a pamor damascened kris and knife. It 411
looked like it had wavy incisions on the blade.

They knew about the knee bent throwing sticks of Pang-kadjene, but they said they do not have any here. They were interested in the boomerang description, but had never heard of it before, evidently.

They said that once there were many shields used here. They were known as lango, I believe. They had also heard of coats of mail. They told of various kinds of praus, some [501]
used only for fishing, others only for trade.

They also knew that, formerly, smelting of iron was carried on here.

They said that trees can be sold without selling the land. 423
For example, they said that a man in Makassar might own 563
trees in the village and come there to get the fruit. But they added, that usually such a man rents the land on which his trees are situated. Evidently some Chinese are land owners, but it appears that this goes back to former times. Evidently this antedated the Dutch law against Chinese ownership of land in Indonesia.

They knew about the mutual property in marriage and the 423
separate property and my terms are all right. They also 428
agreed that formerly they had a form of inheritance divided 562
by odd and even numbers, but they said that now this system 177
was largely gone and that a simple division took place, with 178
the boys getting more, in Mohammedan fashion. Nevertheless, they did say that different kinds of things were inherited by boys and girls.

I asked about the women soldiers and they had evidently 178
heard of it. They said that perhaps this was a hundred 701
years ago.

They said that the annual animal sacrifice to the gaukang 782
by the ruler is still done today. At least one buffalo must 778
be killed for the gaukang every year.

12: Haar S-4 (1939) 1948 OB1 Indonesia OB1
● Makassar OG6
Java OE1
Celebes OG1

holds the title to it usually has no claim to reimbursement for the use of it; not even if there is a later divorce.

Statements are frequently made about marriage property in terms of the burden of proof in case of controversy: "the possessions are owned in common, unless it is proved that the wife does not do the housekeeping." This may have a confusing effect. Actually, the determination of burden rests on the question of what is normal. And what is in conflict with the normal must be proved in each particular instance.

While the marriage continues, the spouses each deal with the common possessions within his or her normal sphere. In the case of important transactions, they sometimes act together. But if the husband takes action, the consent of the wife is presupposed and the act is valid, even though he has not consulted her. If, however, the wife should openly oppose one act or another, then the husband cannot act alone, save in case of necessity. Third parties have to take this into account. The same thing is true in the incurring of debts. Obligations entered into by the husband or wife must be met as family obligations through utilization of their common property. Such debts are recoverable from this property, and if their joint property is inadequate, the "asal" possessions of the person who incurred the debt must be used. In Macasser, "asal" (sisila-) property may even be set aside for joint debts, in preference to the common property. But the "asal" possessions of a deceased person cannot be so used. If a husband or wife should have individual debts, such as premarital debts, then those debts are recoverable, in the first place, from the "asal" property of the party concerned, and, in the second place, from the common property in its entirety. There is no such thing as an undivided share of the husband or of the wife in the common property during the marriage. Therefore, seizure of an undivided share for the collection of a debt is an absurdity, according to adat law principles and practice. While a marriage exists, the estate cannot be divided against the will of the parties concerned.

Division of marital property comes into play primarily in case of dissolution of marriage. If it is not evident that one of the spouses has so misbehaved that every claim to a part of the possessions has been forfeited, or that the wife relinquished her share as indemnification for repudiation (pages 181, 183), each of the spouses usually takes his or her "asal" possessions and possibly his or her share in the common matrimonial property. This common